

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

LORI ANN YANCEY, <i>et al</i> ,	)	
	)	
Plaintiffs,	)	
	)	
	)	
vs.	)	No. 3:04-556
	)	No. 3:04-610
MARTY CARSON, <i>et al</i> ,	)	Varlan/Shirley
	)	
Defendants.	)	

**PLAINTIFF'S REQUESTED INSTRUCTION**

**PAYMENT OF DAMAGES**

If you find liability on the Defendant you are to determine the Plaintiffs' damages according to the instructions I have just given you.

You are instructed that you shall not discuss or consider insurance during your deliberations; how damages against the Defendant would be paid; whether Defendant can personally pay the judgment; or what effect payment of the judgment may have on the Defendant.

There is no evidence before you as to who or how a judgment against the Defendant would be paid. Considering matters which are not in evidence would be a violation of your oath as a juror.

s/Herbert S. Moncier  
HERBERT S. MONCIER  
Attorney for Plaintiff

Herbert S. Moncier  
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BPR # 1910

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date stamped above the foregoing was filed electronically with this Court and that a copy has been served on all counsel by this Court's CM-ECF system.

s/Herbert S. Moncier  
HERBERT S. MONCIER